

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

EXIE SPEARS,)
)
Plaintiff,)
)
v.) Case No.: 2:22-cv-01610-SGC
)
MARION COUNTY COMMISSION,)
et al.,)
)
Defendants.)

PARTIAL MOTION TO DISMISS

COME NOW Defendants, the Marion County Commission, Larry Akers, Bob Burleson, Kenneth Cochran, Tim Estes, Gregory Gunnin, Dale Holt, and Keith Nichols, and file this Motion to Dismiss a portion of Plaintiff's Complaint pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure on the following grounds:

1. A portion of Plaintiff's allegations are barred due to failure to fulfill the administrative remedies for a lawsuit based upon Title VII.
2. A portion of Plaintiff's allegations are barred due to failure to comply with the statute of limitations applicable to claim pursuant to 42 U.S.C. § 1981.
3. A portion of Plaintiff's claims pursuant to 42 U.S.C. § 1983 are barred by the applicable statute of limitations.

4. The defendants are immune from punitive damages.

Respectfully submitted this 21st day of February 2023.

s/C. Richard Hill, Jr.
C. RICHARD HILL, JR. (HIL045)

s/Ashley H. Freeman
ASHLEY H. FREEMAN (FRE 044)

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CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of February 2023, I electronically filed the foregoing with the clerk of Court using the CM/ECF system which will send a notification of such filing to the foregoing:

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